

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Steven Louis Barnes,) C/A No. 5:11-1156-MBS-KDW
)
)
Plaintiff,)
)
)
vs.)
)
)
Lt. Mark Howard,)
)
)
Defendant.)
)
)

ORDER

Plaintiff, proceeding pro se and in forma pauperis, brought this action alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983. Defendant filed a motion for summary judgment on September 1, 2011. ECF No. 28. As Plaintiff is proceeding pro se, the court entered an order on September 2, 2011, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him of the importance of a motion for summary judgment and of the need for him to file an adequate response. ECF No. 31. Plaintiff was informed that his response was due by October 6, 2011, and was specifically advised that if he failed to respond adequately, Defendant's motion may be granted, thereby ending this case.

Plaintiff has yet to file a response to Defendant's motion for summary judgment. Although Plaintiff filed a motion requesting that he be permitted to continue discovery prior to responding to Defendant's motion, ECF No. 43, that motion did not provide any substantive response to Defendant's motion. Further, the court has now denied that motion. *See* ECF No. 94.

As originally noted in the court's *Roseboro* Order of September 2, 2011, Plaintiff is again reminded that if he fails to respond adequately to the Defendant's motion, the court may grant the Defendant's motion, which may end Plaintiff's case. Based on the foregoing, Plaintiff is directed to advise the court whether he wishes to continue with this

case and to file a response to Defendant's motion for summary judgment by **May 21, 2012**. Plaintiff is further advised that if he fails to respond, this action will be recommended for dismissal with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.



May 2, 2012
Florence, South Carolina

Kaymani D. West
United States Magistrate Judge